

**U.S. ENVIRONMENTAL PROTECTION AGENCY
EMERGENCY ACTION MEMORANDUM**

DATE: August 3, 2012

SUBJECT: Action Memorandum for an Emergency Removal Action at the Milton Sternberger Site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104

FROM: Steve Spurlin, On-Scene Coordinator
Emergency Response and Removal Branch

THRU: James Webster, Chief
Emergency Response Section

TO: Site File
Shane Hitchcock, Chief, ERRB

I. Purpose

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Milton Sternberger Site (the "Site") located at 1230 North Watkins Street, Memphis, Shelby County, Tennessee, pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. The Environmental Protection Agency Region 4 delegation of authority may be found in "Delegation 14-2. Response, authority to obligate CERCLA funding in the amount of \$250,000 to initiate Removal Actions where site conditions constitute an emergency has been delegated to the On-Scene Coordinator (OSC)."

II. Site Information

A. Site Description

Site Name: Milton Sternberger Site
Superfund Site ID (SSID): B4T8
CERCLIS No: TND987788239
Lat/Long: 35.1718/-90.0069
Removal Start Date: 07/30/2012

NRC Case No: 1019447
Site Location: Memphis, TN
NPL Status: Non-NPL

B. Background

1. Removal Site Evaluation

Milton Sternberger is a former food packaging company which closed in 2004. The facility was listed with the Tennessee Department of Environment & Conservation (TDEC) as a hazardous waste small quantity generator. The facility generated ignitable and solvent related waste from the cleaning process associated with the ink print rollers. TDEC conducted a recent site visit and discovered the facility was vacant and unsecured. Upon further inspection, TDEC discovered a release of suspected hazardous substances at the former hazardous waste storage area at the facility. A black liquid with a strong organic vapor odor was pooled on the floor and numerous drums and smaller containers were observed. TDEC requested the EPA Emergency Response & Removal Branch (ERRB) evaluate the Site.

On July 30, 2012, the EPA visited the Site with a representative of TDEC. The On-Scene Coordinator (OSC) observed suspected hazardous substances released at the Site. Containers were abandoned and scattered around the facility property. Evidence of vandalism and trespass was noted.

Based on the threat of release of hazardous substances to the environment, OSC Spurlin determined that conditions at the Site meet criteria listed under 40 CFR Part 300.415 for initiation of an emergency removal action. The EPA initiated cleanup and site stabilization efforts on July 30, 2012. The dark, organic liquid was removed from the floor and containerized in several 55 gallon drums. Other containers were collected and staged for future testing and disposal.

2. Physical Location and Site Characteristics

The Site is located at 1230 North Watkins Street, Memphis, Shelby County, Tennessee. The facility is situated in a primarily commercial, light industry area; however, the location is situated near a dense, inner city residential area.

3. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The Site contains an estimated 15, 55-gallon drums and 20 smaller containers. The containers are suspected to contain solvents and oils related to past operations. Organic vapor readings taken by EPA near the spill area ranged from 25 ppm to 75 ppm, confirming the presence of organic material. Evidence of vandalism and trespass were noted. The abandoned containers could be dumped by vandals, or deteriorate from exposure to the weather, resulting in additional hazardous substance releases.

III. Threats to Public Health, Welfare, or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants

The Site contains an estimated 15, 55-gallon drums and 20 smaller containers suspect of containing waste solvents. The abandoned containers pose a threat of release into the environment of a hazardous substance.

B. Applicable factors which were considered in determining the appropriateness of removal action:

- ☒ 300.415(b)(2)(i) "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants."

Observations made by the EPA and the field instrument readings taken during the site visit indicate the presence of hazardous substances. Trespassers could be harmed if they come in contact with the abandoned material. If a fire occurs, a release of hazardous substances could threaten nearby workers and residents adjacent to the Site.

- ☒ 300.415(b)(2)(iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release."

Some of the containers were in poor condition, and there was evidence of releases of suspected hazardous substances based on observance of stains, liquids, and solid residues on the floor of the facility. Further deterioration of the containers could result in additional hazardous substance releases.

- ☒ 300.415(b)(2)(vii) "The availability of other appropriate federal or state response mechanisms to respond to the release."

At this time there are no State mechanisms that are able to respond to this incident with the resources needed to assume the cleanup.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

On July 30, 2012, the EPA hired Emergency Rapid Response Services (ERRS) contractor WRSSCompass to collect the spilled material and recover and stage suspected hazardous substances. WRSSCompass completed the recovery and staging the evening of July 30,

2012. Site conditions were documented. Containers were staged in a dry area of the facility, and efforts were made to better secure the containers.

2. Removal Activities to Date

a. Federal Government/Private Party

Based upon the conditions of the Site, EPA, ERRS and START mobilized to stabilize the Site. Emergency removal activities include, but are not limited to, the following:

- Preparation of a Health and Safety Plan
- Initial air monitoring to determine presence of threats.
- Spill cleanup and staging of containers.

b. State/Local

The Tennessee Department of Environment & Conservation enlisted the support of EPA Region 4 to manage the clean-up of the defunct facility. TDEC has provided historical and property ownership information.

3. Enforcement¹

An EPA attorney and enforcement project manager will be requested to assist with evaluation of potential responsible parties.

B. Planned Removal Actions

1. Proposed Action Description

The specific tasks involved in the proposed response to the threats include:

- Preparation of a Health and Safety Plan.
- Mobilize manpower and equipment necessary to remove spill.
- Categorization of materials.
- Transfer materials from containers into suitable containers, and clean containers.
- Providing analytical for disposal profiling.
- Providing off-site disposal, treatment, or recycling of materials.

Any off-site disposal will be in compliance with the CERCLA off-site disposal policy.

¹ Enforcement strategy is not part of the Action Memo for purposes of NCP consistency.

2. Contribution to Remedial Performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site.

3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

The Federal ARARs identified for the site include:

<input checked="" type="checkbox"/>	RCRA Land Disposal Restrictions
<input checked="" type="checkbox"/>	RCRA Treatment, Storage and Disposal
<input checked="" type="checkbox"/>	RCRA Transportation
<input checked="" type="checkbox"/>	DOT
<input checked="" type="checkbox"/>	OSHA

The State has not provided any ARARs.

4. Project Schedule

The initial efforts under the emergency response were completed on July 30, 2012. Additional actions will be needed at a later date. A schedule will be developed based on additional site actions.

C. Estimated Costs³

ERRS	\$40,000
START	\$10,000
Total Extramural Cost	\$50,000
Total Removal Project Ceiling	\$50,000

V. Expected Change in the Situation Should Action be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to the public and the environment.

³ EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.


VI. Outstanding Policy Issues

No outstanding policy issues have been identified.

VII. Approval

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal and through this document I am approving the proposed removal actions. The total project ceiling is \$50,000, of which, an estimated \$40,000 may be funded from the Regional removal advice of allowance.



Steve Spurlin, OSC
U.S. EPA, Region 4

8-6-12
Date